



STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION



September 23, 2005

Mr. James Nathan
Metal Management Aerospace, Inc.
500 Flatbush Avenue
Hartford, CT 06141

**RE: August 21, 2005 Emergency Incident Response
Metal Management Aerospace, Inc.
500 Flatbush Avenue, Hartford, CT**

Dear Mr. Nathan:

Enclosed please find a Notice of Violation (NOV) and a copy of an Emergency Incident Report generated as result of the Department of Environmental Protection, Oil and Chemical Spill Response Division, response to the August 21, 2005 emergency incident (Case No. 2005-05563) at your facility at 500 Flatbush Avenue in Hartford, Connecticut.

The NOV and the attached report describe certain violations of certain sections of the Connecticut General Statutes and the Regulations of Connecticut State Agencies (including those concerning the management of PCBs, USTs, solid waste, and hazardous waste). Please note that additional violations concerning Water Bureau programs have already been addressed under a separate NOV. In addition, the Department is considering taking a formal enforcement action(s) in connection with the above violations as well as pollution abatement at the site.

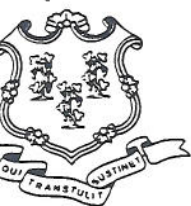
It is not necessary to wait until you receive the enforcement action to begin your compliance efforts. You are encouraged to address the violations as soon as possible. If you have any questions, please do not hesitate to contact the individual staff person identified in the NOV for each violation listed.

Sincerely,

Robert C. Isner, Director
Bureau of Waste Management
Waste Engineering and Enforcement Division

Attachments: Notice of Violation
Incident Report

cc: Danny Corp., P.O. Box 370099, West Hartford, CT 06137-0099 w/o attachments



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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



WASTE ENGINEERING & ENFORCEMENT DIVISION

NOTICE OF VIOLATION # WSWDH05080

Date Issued: September 23, 2005

To: Metal Management Aerospace, Inc.
500 Flatbush Avenue
Hartford, CT 06141

The purpose of this Notice is to inform you that personnel of the Department of Environmental Protection ("DEP") have made observations or otherwise obtained information indicating that a violation of law has occurred at the property located at 500 Flatbush Avenue, Hartford, CT (the "site"). On August 21 2005, the DEP Bureau of Waste Management responded to an emergency incident at the site and followed with an inspection on August 31, 2005. Based upon that incident response and inspection, it appears that you have:

- 1) established a solid waste facility where more than ten cubic yards of solid waste have been disposed of without a plan, design and method of operation of such solid waste facility having been filed with the Department, and without the approval of the Commissioner as required by Section 22a-209-4 of the Regulations of Connecticut State Agencies (RCSA), and Sections 22a-208a(b) and 22a-208c of the Connecticut General Statutes (CGS).
- 2) operated a solid waste facility without the approval of the Commissioner, as is required by Section 22a-208a(c) of the CGS.
- 3) created an open dump, in violation of RCSA Section 22a-209-2.
- 4) created and maintained a facility or condition which can reasonably be expected to create a source of pollution to the waters of the state, in violation of CGS Section 22a-427 by establishing the above facility.
- 5) failed to perform hazardous waste determinations for all waste streams as required by Section 22a-449(c)-102(a)(2)(a) of the RCSA, which incorporates by reference 40 CFR 262.11 with specified changes.
- 6) failed to manage/handle used oil generated at the site in a manner consistent with the applicable requirements under Section 22a-119(a) of the RCSA, which incorporates by reference 40 CFR 279 with specified changes.

- 7) failed to immediately report a discharge, spill, loss, seepage or filtration of an oil or petroleum or chemical liquid to the Commissioner as required by Section 22a-450 of the CGS. There is evidence of many spill occurrences in addition to the spill of caustic cleaner on August 21, 2005.
- 8) committed an unauthorized disposal of PCB's. On August 31, 2005, the staff from the PCB Program conducted an inspection and sampling at 500 Flatbush Avenue in Hartford. Results of that sampling indicate the presence of PCB's in sediment at outfall number 2 and inside a containment berm at the site. These conditions constitute an unauthorized disposal in violation of Connecticut General Statutes Section 22a-467.
- 9) failed to provide compliant methods of release detection for an underground storage tank and its integral piping system ("UST system") [referring to the 6000-gallon diesel fuel UST system registered as B23R1 on the Form EPHM-6, dated July 10, 1998 and signed by Eugene M. Klein], constituting violations of the RCSA Sections 22a-449(d) 101-113, subsections 104(c) and 104(e) specifically.

When you have corrected the violations alleged in this notice, you should submit in writing the details of the corrective action(s). The submittal should be made within thirty (30) days on the enclosed Compliance Statement, and *sent to the contact person(s) identified below in paragraph D.* Until the DEP has received such a statement, the DEP will presume you remain in violation. If the violations cannot be corrected within 30 days, provide a schedule of compliance (that includes a timetable) on the enclosed Compliance Statement within 30 days describing the actions you will take to correct the violations.

A. Other violations may exist; legal obligations. This Notice does not necessarily specify all violations of Connecticut environmental law or violations of any other legal requirements which may exist at the aforementioned property. This Notice does not preclude the DEP or other state, local, or federal agencies from commencing any enforcement action regarding any such violations. Your facility may be inspected again pursuant to law and without additional prior notice to determine compliance with state and any applicable federal law. It is your responsibility to comply with all legal requirements, whether or not the DEP notifies you of any violations or takes any enforcement action against you. Nothing in this Notice relieves you of other obligations under applicable federal, state, and local law.

B. Enforcement action. Civil penalties of up to \$25,000 may be assessed for each day of each violation under section 22a-131 and 22a-438 of the Connecticut General Statutes. Notwithstanding the issuance of this Notice, the DEP may seek such penalties and may issue an order, seek an injunction, or take other legal action under Chapters 439, 445, and 446 of the Connecticut General Statutes.

C. No assurance by Commissioner. No provision of this Notice and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that actions you may take to address the violation(s) alleged herein will result in compliance.

D. Staff contacts. If you question any of the information contained in this Notice, you may contact:

- Kevin Sullivan at (860) 424-3275
For Solid Waste (items numbered 1, 2, &3)
- Mohamed Deria at (860) 424-3273
For Hazardous waste (items numbered 4 through 7)
- Lori Saliby at (860) 424-3329
For PCBs (item number 8)
- Philip Wilde at (860) 424-3339
For USTs (item number 9)

You may also address your written response to me at the Bureau of Waste Management, 79 Elm St., Hartford, CT 06106-5127.



Robert C. Isner, Director
Engineering and Enforcement Division,
Bureau of Waste Management

NOV # WSWDH05080

Date Issued: September 23, 2005

Certified to be a true copy of a document in
the file of the Department of Environmental
Protection, Waste Management Bureau.

Name Shida Galento
Title Office Assistant
Date September 23, 2005